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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA  
4

5 Marvin D. Richard,  
6 Petitioner  
7 v.  
8 Joe Gentry, *et al.*,  
9 Respondents.

Case No. 2:18-cv-00181-KJD-NJK  
Order

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11 In this habeas corpus action, on October 4, 2018, the petitioner, Marvin D. Richard, filed a  
12 second amended petition for writ of habeas corpus, along with several exhibits in support of the  
13 petition (ECF Nos. 18, 19, 21, 22). Richard also filed a motion for leave to file an exhibit under  
14 seal (ECF No. 20). In that motion, Richard requests leave of court to file under seal, as Exhibit 35,  
15 a copy of a psychological evaluation regarding himself. Respondents did not respond to the  
16 motion.

17 There is a strong presumption in favor of public access to judicial filings and documents.  
18 *See Nixon v. Warner Communication, Inc.*, 435 U.S. 589, 597 (1978); *see also Kamakana v. City*  
19 *and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm Mut. Auto Ins.*  
20 *Co.*, 331 F.3d 1122, 1134 (9th Cir. 2003). However, the court has inherent power over its own  
21 records and files, and access may be denied where the court determines that the documents may  
22 be used for “improper purposes.” *See Nixon*, 435 U.S. at 598; *Kamakana*, 447 F.3d at 1179;  
23 *Hagestad v. Tragesser*, 49 F.3d 1430, 1433-34 (9th Cir. 1995). Richard asserts in his motion that  
24 the psychological assessment should be filed under seal to protect his privacy, and out of respect  
25 for the state courts, which held it under seal in his state post-conviction proceedings.

26 The Court finds that there is good cause for this exhibit to be filed under seal.

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1           **IT IS THEREFORE ORDERED** that the petitioner's Motion for Leave to File Exhibits  
2 Under Seal (ECF No. 20) is **GRANTED**. Petitioner is granted leave of court to file Exhibit 35  
3 under seal. As that exhibit has already been filed under seal (ECF No. 21), no further action is  
4 necessary in this regard.

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6           DATED THIS 22 day of October, 2018.

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KENT J. DAWSON,  
UNITED STATES DISTRICT JUDGE